

Appl. No. 10/542,782
Reply to Office Action of March 6, 2006
Attorney Docket No. 26866U

In the Drawings

The attached sheet of drawings includes changes to Figure 1. This sheet replaces the original drawing of figure 1. An annotated sheet showing changes is also attached.

REMARKS/ARGUMENTS

Claims 1 – 2 and 4 – 5 are presented for reconsideration and further examination in view of the foregoing amendments and following remarks. Claim 3 was previously cancelled without prejudice or disclaimer.

In the outstanding Office Action, the Examiner indicated that claim 5 would be allowable if rewritten in independent form; objected to the specification for directly referring to claim 1, objected to figure 1 for lacking a legend of –prior art–; rejected claim 1 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,571,171 to Blank et al. (hereinafter referred to as “the Blank et al. ‘171 patent”); and rejected claims 2 and 4 under 35 U.S.C. §103(a) as being unpatentable over the Blank et al. ‘171 patent in view of U.S. Patent No. 3,868,202 to Valyi (hereinafter referred to as “the Valyi ‘202 patent”) and U.S. Patent No. 3,685,943 to Fischer (hereinafter referred to as “the Fischer ‘943 patent”).

By this Response and Amendment, the specification has been amended to include titles and subtitles and to remove reference to claim 1; replacement drawings are submitted; and the rejections to the claims under 35 U.S.C. §103(a) are traversed.

It is respectfully submitted that the above amendments do not introduce any new matter to this application within the meaning of 35 U.S.C. §132.

Objection to the Specification

The Examiner objected to the specification for directly referring to claim 1.

Response

By this Response and Amendment, the specification has been amended to remove reference to claim 1.

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Accordingly, reconsideration and withdrawal of the objection are respectfully requested.

Objection to the Drawings

The Examiner objected to figure 1 for lacking a legend of –prior art–.

Response

By this Response and Amendment, a replacement sheet of drawings, which identifies figure 1 as prior art, is included in the Appendix to this paper.

Accordingly, reconsideration and withdrawal of the objection are respectfully requested.

Rejections Under 35 U.S.C. §103(a)

To establish a *prima facie* case of obviousness, the Examiner must establish that the prior art references teach or suggest all of the claim limitations. *Amgen, Inc. v. Chugai Pharm. Co.*, 18 USPQ2d 1016, 1023 (Fed. Cir. 1991); *In re Fine*, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988); *In re Wilson*, 165 USPQ 494, 496 (CCPA 1970).

1. The Blank et al. ‘171 Patent

The Examiner rejected claim 1 as being unpatentable over the Blank et al. ‘171 patent.

Response

By this Response and Amendment, Applicants respectfully traverse the rejection since all of the features of the presently claimed invention are not disclosed, taught or suggested by the cited

prior art.

Independent claim 1 recites a “[m]ultipart male mold plate (1) for a form tool for injection-molding of molded articles, in particular pet preforms (6), said male mold plate (1) comprising a base plate (2) and a stripper plate (3) having a slide (4), on which slide (4) there is provided a plurality of separable male mold cones (5, 5’), and there is provided at least one hydraulic drive (12) for completely opening the male mold cones (5, 5’), characterized in that the hydraulic drive (12) is secured to the slide (4) and rests against the stripper plate (3).”

The Blank et al. ‘171 patent discloses a multiple injection mold for the manufacture of preforms having a hydraulic drive 67. The hydraulic drive is attached to an adjustment bar 64. The adjustment bar is attached to a thrust pin 58. Finally, the thrust pin is attached to end plates 56. Motion of the hydraulic drive through the various mechanisms causes end plates 56 to separate.

In contrast to the presently claimed invention, the Blank et al. ‘171 patent does not disclose, teach or suggest “at least one hydraulic drive for completely opening the male mold cones, characterized in that the hydraulic drive is secured to the slide and rests against the stripper plate” as recited in claim 1 of the present application. The Blank et al. ‘171 patent discloses an injection mold having a hydraulic drive that indirectly attaches to end plates through a variety of intermediate mechanisms. Contrastingly, “the hydraulic drive [of the presently claimed invention] is secured to the slide 4,” on which “there is provided a plurality of separable male mold cones.” One of the advantages to the presently claimed invention is the reduction in parts needed to operate the mold plate. Since the Blank et al. ‘171 patent does not disclose, teach or suggest a mold plate with such a reduced number of parts, the Blank et al. ‘171 patent does not render independent claim 1 obvious. Thus, claims 2 and 4, which depend from claim 1 and necessarily contain all of the features of independent claim 1 are patentable over the cited prior art combination for at least the same reasons

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as independent claim 1.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the outstanding rejections.

2. The Blank et al. '171 Patent In View Of The Valyi '202 Patent and the Fischer '943 Patent

The Examiner rejected claims 2 and 4 as being unpatentable over the Blank et al. '171 patent in view of the Valyi '202 patent and the Fischer '943 patent.

Response

By this Response and Amendment, Applicants respectfully traverse the rejection since all of the features of the presently claimed invention are not disclosed, taught or suggested by the cited prior art combination. The arguments above with respect to the Blank '171 patent are incorporated by reference.

The Valyi '202 patent and the Fischer '943 patent do not cure the deficiencies of the Blank et al. '171 patent. The Valyi '202 patent discloses an apparatus for the producing of composite containers by blow molding. The Fischer '943 patent discloses an apparatus for the production of hollow plastic articles. The apparatus disclosed in the Fischer '943 patent includes an extruder, an injection mold, a blowing mold, and a means for opening and closing the molds.

In contrast to the presently claimed invention, the cited prior art combination does not disclose, teach or suggest “at least one hydraulic drive for completely opening the male mold cones, characterized in that the hydraulic drive *is secured to the slide and rests against the stripper plate*” as recited in claim 1 of the present application. Since the combination of references does not disclose,

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teach or suggest all of the features of the presently claimed invention, the combination of references does not render the presently claimed invention obvious.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the outstanding rejections.

CONCLUSION

In light of the foregoing, Applicants submit that the application is now in condition for allowance. If the Examiner believes the application is not in condition for allowance, Applicants respectfully request that the Examiner contact the undersigned attorney if it is believed that such contact will expedite the prosecution of the application.

In the event this paper is not timely filed, Applicants petition for an appropriate extension of time. Please charge any fee deficiency or credit any overpayment to Deposit Account No. 14-0112.

Respectfully submitted,
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APPENDIX

ANNOTATED SHEET SHOWING CHANGES

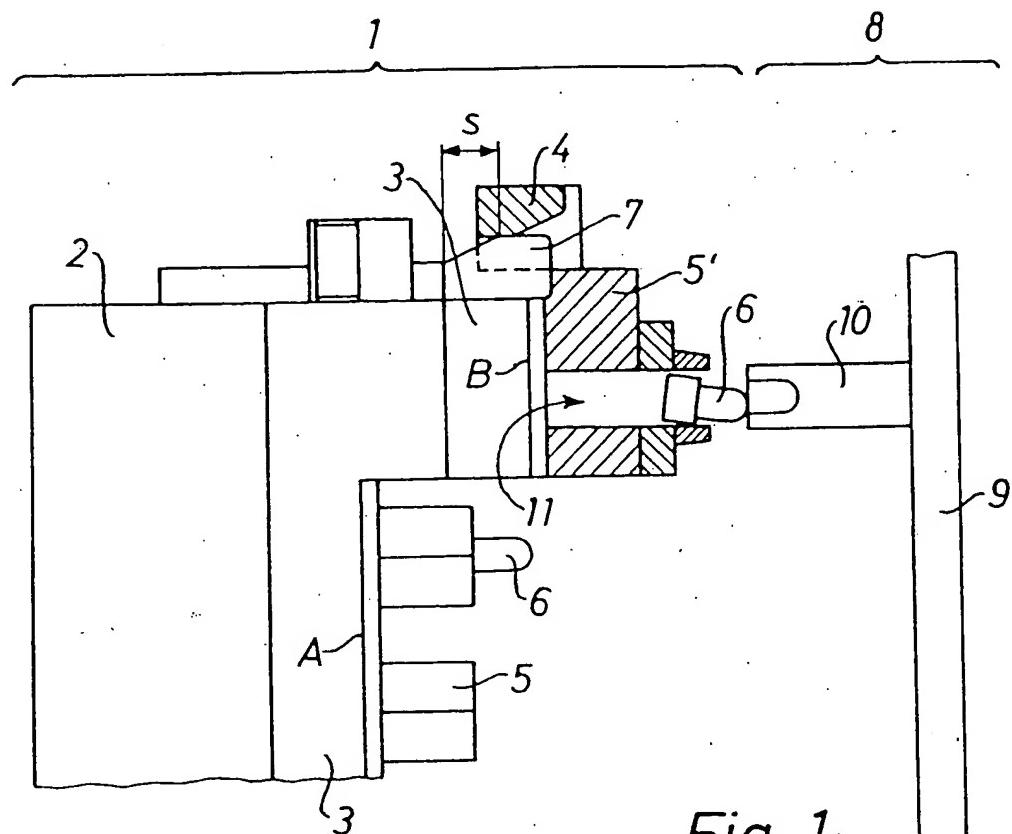


Fig. 1
Prior Art d

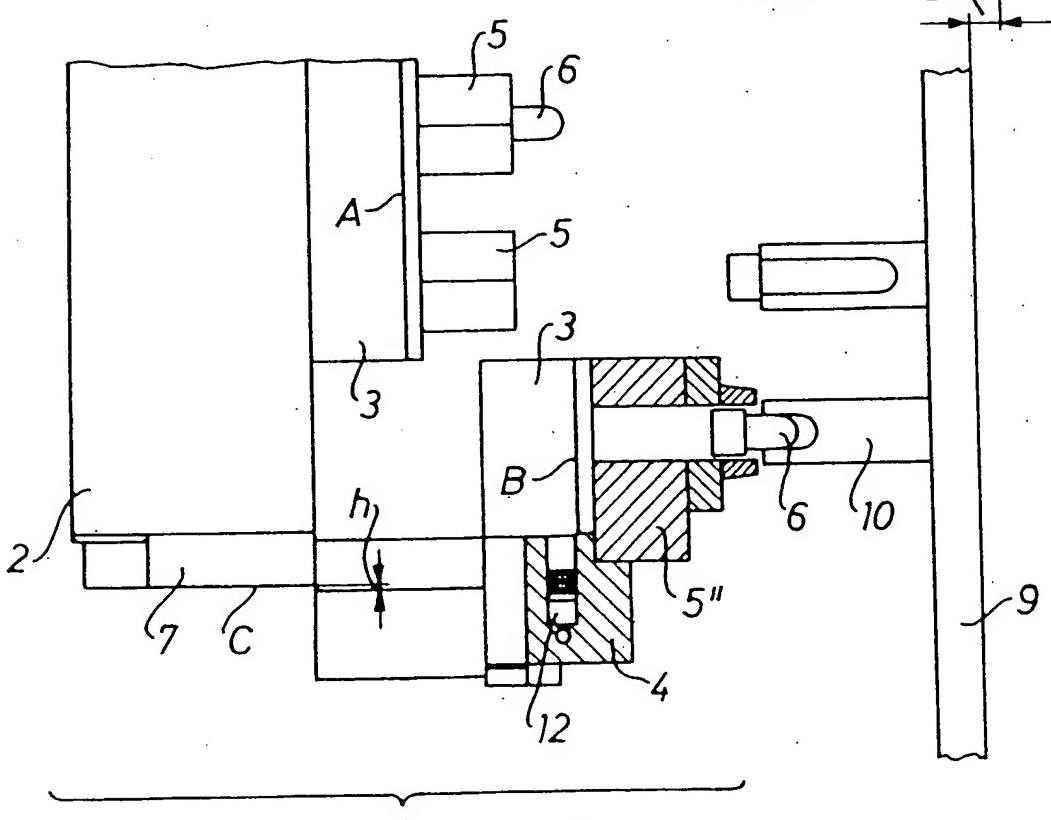


Fig. 2